

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LEROY STRAYHORN,

Plaintiff,

Case No. 11-15216

v.

District Judge Patrick J. Duggan  
Magistrate Judge R. Steven Whalen

PATRICIA CARUSO, ET AL.,

Defendants.

\_\_\_\_\_ /

**ORDER**

Before the Court is Plaintiff's Motion to Deny Defendant Prison Health Services' [PHS's] Motion for Summary Judgment, or in the Alternative to Strike Exhibit [Doc. #198]. The Exhibit in question, Exhibit E to PHS's summary judgment motion, consists of excerpts from the deposition transcript of Dr. Jeffery Stieve from another case.

On July 31, 2015, I filed a Report and Recommendation [Doc. #200], recommending that PHS's motion for summary judgment be denied. Notwithstanding Dr. Stieve's deposition testimony, I found that there is a question of fact as to whether Dr. Edelman, a PHS employee, "played a significant role in developing the practice of denying necessary medication care," and "whether PHS had constructive knowledge of the denials and gave tacit approval to such practices." R&R, at 25.

Therefore, Plaintiff's motion [Doc. #198] is DENIED AS MOOT.

IT IS SO ORDERED.

/s/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Date: August 21, 2015

Certificate of Service

I certify that a copy of this order was served upon parties of record on August 21, 2015 via electronic or postal mail.

/s/A. Chubb  
CASE MANAGER